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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

# SUMMARY RECORD OF THE 717th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 6 June 2001, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Monaco (CRC/C/28/Add.15; CRC/C/Q/MON/1; written replies of the Government of Monaco to the questions in the list of issues (document without a symbol distributed in the meeting room in English and French))

1. At the invitation of the Chairperson, the members of the delegation of Monaco took places at the Committee table.

2. Mr. FAUTRIER (Monaco) said that, according to the 2000 census, the population of Monaco had increased to some 35,000, of whom only about 7,000 were native Monegasques. Young people under 18 accounted for roughly 20 per cent of the total population.

3. Valuable work on behalf of children was done by a number of national and international associations based in Monaco, the best known of which was the World Association of Children's Friends (AMADE) founded in 1963 by the late Princess Grace of Monaco, which was represented in some 25 countries.

4. By virtue of its geographical location, Monaco had close ties with France, including open borders and a customs union, which had both positive and negative implications for the rights and welfare of children and adolescents. Most young people lived in privileged circumstances in Monaco but there could, of course, always be improvements.

5. Ms. SARDENBERG noted that Monaco had not yet submitted a core document.

6. An exception to Monaco's good record of ratification of human rights instruments was the Convention on the Elimination of All Forms of Discrimination against Women. What was the reason for the omission?

7. Some reports to the major United Nations human rights treaty bodies were overdue and the initial report under review had also been submitted somewhat late. She was therefore interested in hearing about the country's reporting procedures. What actors were involved? Did they include, for example, the associations mentioned by the delegation? What was the status of those associations and their relationship with the Government? She also wished to know what bodies were responsible for implementing the Convention and how their action was coordinated. Was the Parliament (Conseil national) involved in drafting the report, implementing the Convention or publicizing its provisions?

8. Although the report was in conformity with the Committee's guidelines, it tended to focus on legislation, providing little information about policies concerning children, practical measures and efforts to promote a rights-based approach to the implementation of the Convention.

9. She inquired about the reasons for Monaco's reservation to article 40, paragraph 2 (b), of the Convention and its declaration regarding article 7. Would it consider withdrawing them?

10. She asked whether Monaco had introduced training courses in the Convention for professional groups that worked with children. Had it begun to compile statistics covering all areas of the Convention?

11. Noting that Monaco had a special relationship with France, she asked whether the two countries took any bilateral action on children's rights.

12. What stage had been reached in Monaco's application for membership of the Council of Europe?

13. Ms. OUEDRAOGO asked how the people of Monaco had responded to the State party's widespread dissemination of the Convention, for instance to the idea that children were in future to be treated as subjects of law, participating in decision-making on all matters affecting them. Had discussion sessions been organized to obtain their views? How did professionals involved in caring for children integrate the provisions and principles of the Convention into their daily work?

14. Mr. CITARELLA suggested that the age of majority in Monaco, which was still 21, should be revised downwards to bring it into line with the situation in many other European countries. Noting that the minimum age for marriage was 18 and the age of criminal responsibility 16 and even 13 in some cases, he urged the State party to work towards uniformity of standards in those areas.

15. He joined Ms. Sardenberg in urging Monaco to reconsider its declaration regarding article 7 of the Convention and, in that connection, to review Monegasque legislation regarding nationality.

16. Ms. AL-THANI asked for details of Monaco's budgetary allocations to health, education and other social sectors.

17. Noting that the minimum age for employment was 16, she asked why an exception was made in the case of family businesses.

18. Ms. KARP noted the existence of gender discrimination in the minimum age for marriage, which was 15 for girls and 18 for boys. When a girl of 15 was married, was she still protected under the Convention or treated as an adult? She suggested that Monaco should consider setting a uniform age for marriage, especially since the age for girls seemed unduly low. In setting the age of sexual consent at 15, had the authorities considered prohibiting sexual relations for commercial purposes with young people under the age of 18, as recommended by the World Congress against Commercial Sexual Exploitation of Children?

19. Noting the existence of free and anonymous AIDS testing for minors, she asked whether, if the result was positive, parents were informed and the child was offered assistance, for example by social workers. Had any such cases occurred?

20. The age of majority for aliens residing in Monaco apparently depended on legislation in their country of origin. A French national, for example, attained majority at 18 and children of other nationalities at 16. How could the protection of children be harmonized when children attained majority at different ages?

21. She asked whether schoolchildren were familiar with the Convention and whether any surveys had been conducted to assess how well it was known.

22. Ms. CHUTIKUL asked what Monaco viewed as its principal concerns relating to children's rights under the Convention.

23. Was there a permanent body to monitor implementation or was monitoring conducted on an ad hoc basis, depending, for example, on reporting needs?

24. Ms. TIGERSTEDT-TÄHTELÄ inquired about the division of work between the Government Council and the municipal council, especially in the areas of health, social welfare and culture and in terms of budgeting. Who set the priorities for budgetary allocations and did they include children's issues, as required under article 4 of the Convention? She asked whether Monaco had bilateral cooperation arrangements with other countries, especially in policies regarding children.

25. Mr. AL-SHEDDI, noting that the official language of Monaco was French, asked whether families who spoke other languages such as Italian enjoyed the same services as French-speaking children.

26. He suggested that Monaco, with its small population, should consider giving each child a copy of the Convention.

27. Were there any children's non-governmental organizations (NGOs) in Monaco?

28. Mr. FAUTRIER (Monaco) said that Monaco had taken the first steps towards acceding to the Convention on the Elimination of All Forms of Discrimination against Women some three years previously and hoped to ratify it in the near future. There was no problem of substance but it had been necessary to change certain traditional Mediterranean attitudes. Women had only obtained full political rights in Monaco under the 1962 Constitution. In practice, however, women enjoyed full equality. They had participated in events such as the Fourth World Conference on Women in 1995 and the United Nations General Assembly special session on women in 2000, and held high office in the Monegasque administration.

29. His Government had applied for membership of the Council of Europe in 1999, which it saw as an important step in the process of opening up to the international community, a process

which had begun in 1993 with membership of the United Nations. Negotiations on accession were almost complete, as all but one of the issues raised by the Council of Europe had been successfully resolved. The remaining obstacle was the failure to guarantee the plurality of parliamentary representation, which would require changes to the electoral law. Despite the fact that the Prince had declared his support for those changes, the elected representatives in Parliament were currently reluctant to alter the existing system. He expected them to show greater flexibility in the very near future, in view of the importance to Monaco of membership of the Council of Europe.

30. Monaco's reservation to the Convention had been made because of the nature of its criminal justice system, in which a decision issued by a criminal court was not subject to appeal, only to the possibility of review by a court of cassation. That system had not changed, and a withdrawal of the reservation could not be envisaged. Nevertheless, a similar system in France had recently been changed by the introduction of a mechanism for appeal, which could give encouragement to the reform process in his country. With regard to the declaration concerning nationality made by Monaco on signing the Convention, considerable progress had been made in recent years towards equal rights for men and women in the transmission of nationality through filiation. Once the draft law on filiation rights was adopted later in June, the only remaining inconsistency with article 7 of the Convention would relate to children born to stateless parents.

31. There was a compact governmental structure in Monaco, consisting of four departments: the Minister of State, the Department of Finance and Economy, the Department of Internal Affairs and the Department of Public Works and Social Services. One of those departments, the Department of Internal Affairs, was responsible for child-related issues, which gave it a comprehensive view of the situation. The judicial system was independent of the executive branch. Members of the judiciary were kept informed of the situation of children's rights by the cases brought to their attention. The initial report had been drawn up mainly by the Department of Internal Affairs, with the assistance of the judiciary where relevant.

32. Legislation concerning associations was simple and liberal, which facilitated the establishment of a rich array of associations. Besides those of a recreational character, there were many associations with a social purpose, which worked closely with State bodies to carry out activities in the areas of health, justice and social work, particularly with children experiencing special difficulties. They were entitled to government subsidies to cover costs and were encouraged by the State to provide social services at a grassroots level. His Government had found that such a system was preferable to the relative inflexibility of distant authorities.

33. Efforts to raise awareness of the Convention had taken place mainly within schools, including training for teachers and the systematic distribution of the text of the Convention to every child in the education system. Parallel to that, efforts had been made by various associations, in particular the Junior Chamber of Commerce. For the past three years, it had been organizing an annual event called "No Finish Line", which consisted of a week-long relay race involving celebrities and high-profile Monegasques, designed to bring attention to the rights of the child.

34. In reply to a question by Mr. Citarella, he said that the Prince had stated a clear position on the need to establish 18 as the age of majority. A draft bill had been drawn up to that effect, but there seemed to be a lack of political will in Parliament. Nevertheless, the heads of State and Government were determined to ensure that the bill was adopted without undue delay.

35. The legal working age was 16 years, which coincided with the end of compulsory education. The only exception dated from a law adopted in 1961 which allowed minors under the age of 16 to work in the family business. The objective was to allow young people to begin an apprenticeship in the family environment before reaching the end of compulsory education, but the law did not mean that family employers could ignore the conditions and rules which governed any other form of employment. Statistics showed that the situation had in any case become very rare, with only 24 contracts involving minors under the age of 16 in the previous five years.

36. Ms. GASTAUD (Monaco) said that approximately 6 per cent of the State budget was spent on children's education and health, which amounted to 261,400,000 French francs a year. Of that total, 50,000 French francs were spent on health care.

37. Mr. FAUTRIER (Monaco) said, in reply to a question by Ms. Karp, that the danger of sexual exploitation posed by the comparatively low age of marriage for women had not materialized. Since child prostitution was not a problem his country had encountered, a change in the law to account for it had not been considered. Nevertheless, his Government would consider the comments made by the Committee, with particular reference to the Plan of Action of the 1996 World Congress against Commercial Sexual Exploitation of Children.

38. Ms. GASTAUD (Monaco) said that her Government had established an AIDS test centre, staffed by social workers, a doctor and a nurse. So far no minors had tested positive, but if that should happen, the medical staff would decide on the best course of action, including the most appropriate method of informing the child's parents. Prevention campaigns were carried out in schools and within the health-care system, particularly aimed at children with special difficulties. Staff were trained to counsel children on AIDS and drug abuse, and condoms were readily available.

39. Mr. FAUTRIER (Monaco) said that there were three main child-related problems in Monaco. The first was that of providing education to children belonging to 120 different nationalities. A major effort had been undertaken to enable all those children to benefit from the educational system, which included the establishment of special educational structures and remedial programmes for children who arrived in Monaco speaking no French. French was, of course, the official language of Monaco and the primary language of instruction, but English was also taught, starting in primary school, and courses were given in English in secondary school. There were a number of international schools in Monaco; the Government made financial contributions to those schools, and administered quality controls. The results of that general approach to the integration of a diverse foreign population into the educational system had had good results, and Monaco's baccalauréat test scores were among the highest in the world.

40. The second major problem was drug abuse, and the relevant statistics reflected only a portion of the problem. The third was the mounting incidence of violence among children and adolescents, which had been observed in the school environment, and which took the form of verbal assaults on teachers and clashes among youths.

41. Ms. GASTAUD (Monaco) said that social workers attempted to cope with the problems of children at an early stage, with a view to preventing more serious problems and in particular ruptures with the family. Efforts were first made to find solutions within the family, without recourse to judicial measures. If more difficult situations arose, a judge met with the child and the parents to discuss the problem. If the situation did not improve, especially in cases involving addictive behaviour, the social worker proposed to the judge that the child should be temporarily removed from the family. Monaco had concluded agreements with neighbouring countries providing for the placement of such children in specialized therapeutic institutions where efforts were made to provide appropriate care and to assist the children in developing a plan for their futures. Efforts were also made to explain to both the children and their families the reasons for the children's separation from their habitual surroundings. Such arrangements generally lasted one year, after which an evaluation was made to determine whether a child should be returned to his or her home in Monaco.

42. Mr. FAUTRIER (Monaco) said that Monaco was comprised of a single municipality. The commune was a historical tradition; its role was to ensure civil status and to facilitate recreational, cultural and sports programmes. It had no other responsibility. Its budget was paid mostly by the State; it had an assembly of 15 members who were elected for four-year terms, and who chose the mayor. The current mayor was a woman, and the assembly also had a significant female presence. Health, education, and social services all fell within the purview of the State.

43. The Monegasque fiscal system differed from that of most other countries of the world, since there was no direct tax on personal income. Value-Added Tax (VAT) accounted for 60 per cent of the State budget, and the remainder came from corporate tax, capital tax, capital transfer tax, inheritance tax and property tax, revenue from the State-controlled telecommunications and utilities industries and revenue from casinos, which accounted for 3 per cent. The budget was balanced as a matter of principle, and the State had no debt.

44. Monaco's international cooperation had traditionally focused on development cooperation and on environmental protection in the Mediterranean basin. More recently, the Government had begun to concentrate on concerns related to children, in particular education, school construction, and school equipment, particularly in Sub-Saharan Africa. Three NGOs had been especially active: the worldwide association of Les amis des enfants du monde, Mission Enfance and the Monaco Aide and Presence Foundation. The State was coordinating the work of those three bodies with a view to avoiding overlap, successful fund-raising campaigns had been carried out and programmes had begun to be implemented.

45. Although French was the official language, Monegasque was the native language of Monaco. It was a dialect of Ligurian and an unwritten language that had been spoken by his ancestors. In the 1960s, the Government had taken measures to prevent its extinction, which had

included introducing the study of that language into the educational curriculum and creating grammar manuals, dictionaries and other written materials. School contests in Monegasque were held yearly, and the prize most often went to a child from another nationality, which illustrated the integrated nature of that society.

46. Ms. GASTAUD (Monaco) said that the Office of Health and Social Promotion cooperated with an organization for young people known as Jeune J'Ecoute, which hosted after-school activities and supplementary classes for young people attending school in Monaco, whether residents of Monaco or of surrounding areas. Jeune J'Ecoute drew on a corps of educators and psychologists, and sought to work with children and parents to assist children, particularly withdrawn children, by directing them towards social and sports activities.

47. Mr. FAUTRIER (Monaco) said that the Conseil national was a parliamentary body elected by universal suffrage. One of its main pieces of legislation was the budget, as the country could not operate without it. The Government was not directly responsible to the Conseil national, but since it controlled the budget, there must be agreement or crisis would ensue. The Conseil national was significantly involved in social activities, in particular social programmes for children. It had two bodies that dealt with child-related matters, the Commission on Social Affairs and the Youth Commission, which discussed programmes, and financial measures to implement such programmes, to improve the situation of young people.

48. Ms. GASTAUD (Monaco) said that the country had 27 disabled children, of different ages and with different problems. Some were able to attend regular classes and others attended special classes. It was impossible to provide for all cases, as each was different, and the Government consequently had relevant agreements with various institutions in the region. Most such children attended institutions in Menton and Nice. The Government paid the fees, whether for day school or boarding school. Monaco had the full range of social workers, including educators, caseworkers, infant specialists, psychologists and nurses, all of whom had the same professional training and qualifications as their counterparts in France, and who participated in ongoing training workshops, also in France. Recently, one person had participated in a training course in France to become an ombudsman; the ombudsman's task involved working with legal services on custody cases both during and after divorce, with a view to assisting parents in reaching agreement with or without the intervention of a judge.

49. Mr. FAUTRIER (Monaco) said that because of its small size, Monaco had no permanent infrastructure with which to keep track of statistics. Censuses were a municipal responsibility, and were carried out by the French National Institute of Statistics and Economic Research (INSEE). A division for the collection of statistical data had recently been established by the Government, but it focused mainly on economic statistics. There was a lack of centralized sociological information, and efforts could admittedly be made to improve the situation. Agencies providing social services kept their own statistics, some of which had been cited by the Committee members. However, statistics could be misleading, especially in the case of such a small country.

50. Ms. GASTAUD (Monaco) gave an example of how statistical data could be distorted. Monaco's hospital served an area that included neighbouring France and contained three times as many people as the country's population. As a result, a number of statistics compiled by the World Health Organization had indicated abnormally high infection rates for the country.

51. Some information was published on a regular basis. The Office of National Education, Youth and Sports and the Office of Health and Social Promotion both issued annual reports containing data and trends in their fields.

52. Ms. SARDENBERG asked whether information was available on the comparative school enrolment rates of boys and girls. While the delegation had replied in general terms to questions about training, the Committee would welcome information specifically related to the Convention. For example, were professionals working with children made aware of the Convention's provisions?

53. Were the views of children taken into consideration in schools, for example through student councils? Was there a complaints mechanism available to them at school so that they could report possible violations of their rights? She would appreciate clarification of whether Monegasque and foreign children residing in Monaco enjoyed the same rights at educational establishments. The treatment of men and women differed, for example in respect of parental authority, entitlement to financial assistance and the transmission of nationality. When the delegation referred to single-parent homes, was it exclusively addressing households headed by single women, or also those headed by single men? Were men too entitled to the allowance paid to non-working mothers? It was unclear whether the use of the term "parental authority", which according to the report was normally exercised by the father, excluded women. Had there been any studies of the impact of such differential treatment of men and women on children?

54. Had the State party developed any guidelines for access by children to videos, television and the Internet? The Committee would be interested to find out whether Monaco had ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. What measures were in place to protect children from pornography and paedophilia? Lastly, she requested a description of the procedure for gaining refugee status.

55. Ms. OUEDRAOGO asked how the State party balanced the need to respect the opinion of the child with the right of parental authority. The report referred to the right of parents to monitor and supervise their children. Were children thus deprived of the right to privacy in correspondence and telephone communications? Was assistance provided without discrimination to destitute families, or was it given only to families headed by single women? According to the report, there were a number of cases outstanding which involved the illicit transfer of children. Were such children still in Monaco, or had they been transferred to another State? Was the Government in any way involved in negotiations to settle such matters, and had it entered into bilateral cooperation with the Governments of the States concerned?

56. According to the delegation, an ad hoc programme had been carried out to disseminate information on the Convention. It would be advisable instead to include information on children's rights in the regular educational curriculum so as to ensure that all the children in the State party were informed of their rights.

57. Ms. CHUTIKUL asked whether the State party's interpretation of parental authority included the right to carry out corporal punishment in the home. The division of tasks between the parents in respect of parental authority as described in the report should perhaps be reviewed so as to ensure gender equality. The Committee would be interested in receiving the findings of the study concerning the possible relaxation of the terms and conditions governing the work of day-care attendants. What kind of support was available for teenage mothers? Was a permanent mechanism in place for monitoring the Convention? What sort of protective measures had the Government taken to prevent violence and aggression in schools?

58. Ms. AL-THANI noting that children were allowed to work for their families, asked whether there was a minimum age for such employment. Did such work interfere with their schooling, or were the authorized schedules and hours of work restricted to certain periods? While the report clearly stated that corporal punishment was prohibited in schools, it did not indicate whether corporal punishment in the home was illegal, or was merely discouraged.

59. Ms. KARP asked whether the State party was in the process of amending the law with a view to withdrawing its reservation to the Convention. According to the Government, when a child tested positive for HIV/AIDS the parents should be informed. Were children able to insist on maintaining their right to confidentiality? Were there any procedures aimed at convincing children to inform their parents of their health status in such circumstances? The minimum age at which a child's views must be heard in cases of adoption was 15, which was much higher than in other countries. How did the justice system take into consideration the testimony of children under 15, for example in cases of child abuse?

60. She asked whether all Monegasque schools were accessible to disabled children, and whether parents were given training and support to assist in their integration. Were pregnant girls allowed to continue their education? What place was reserved for the views of the child in the Family Guidance Service? She would also like to know whether emancipated children were treated as adults by the justice system.

61. While children were able to lodge complaints with the police, not all their complaints lent themselves to police action, and other channels were needed. What procedures existed for the independent consideration of complaints of violations of children's rights at schools and institutions? Lastly, the efforts made by the State party to take into consideration the views of the child seemed somewhat inconsistent. A more effective approach might be to adopt a generally applicable children's code in order to introduce the principles of the Convention in all fields.

62. Mr. CITARELLA said that out of respect for the principle of equality, many European countries had made efforts to reduce the legal differences between the parental authority invested in the father and the mother. Similarly, provisions which had previously allowed for the offence of sexual relations with minors to be expunged through marriage had been rescinded from the laws of many European countries, as that practice was considered to be inconsistent with the modern concept of child protection. Did the State party intend to follow suit? The Convention set out a rights-based approach to children, as opposed to an approach based upon concern for the welfare or protection of the child as a passive subject of the law. That principle should apply to a child's right to choose a religion and to carry out correspondence with confidentiality.

63. Ms. TIGERSTEDT-TÄHTELÄ asked whether the children of women not covered by the various social security schemes had any kind of social insurance coverage. According to the report, provided that the head of household contributed to a social insurance scheme, coverage extended as well to dependent children residing in Monaco or neighbouring France. Were children living elsewhere deprived of any entitlements? Had the plans to extend the duration of social insurance coverage led to concrete results?

64. The CHAIRPERSON asked whether children who were born via in vitro fertilization or artificial insemination and orphans and adopted children had the right to learn about their biological parents.

The meeting rose at 12.55 p.m.